**FARAD CONTINUATION SHEET No.**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE.**

**CRIMINAL APPLICATION NO. 197 OF** 2005.
**IN.**
**CRIMINAL APPEAL NO. 490 OF** 2004.

Hamid Hussein Jafar Hussein
Sayyed. ... Applicant.

vs.
State of Maharashtra. .... Respondent.

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| Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders. | : | Court's or Judge's orders |

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Shri U.S.R. Singh for the applicant.

Shri D.P. Adsule, A.P.P. for the State.

**CORAM: V.M. KANADE,J.**

**DATED: 19.1.2005.**

**P.C.:**

1. Heard learned Counsel appearing on behalf of the applicant and the learned A.P.P.for the State.

2. The applicant is convicted by the trial Court for having committed an offence punishable under section 376 of

the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for 10 years.

3. The prosecution case is that the prosecutrix was a minor girl below 10 years of age. She was taken by the applicant to an isolated place where he committed rape on her. In the medical evidence the doctor has stated that there was abrasion on inner lip on minora on either side of the hymen. He has further stated that the hymen was circular intact and there were no tears in the hymen and it admitted tip of little finger. He has stated that the injuries suggested that there was assault on the private part of the minor girl.

4. From the medical evidence it appears that prima facie case for grant of bail has been made out by the applicant, as from the medical evidence it cannot be said that the prosecutrix was raped by the applicant.

5. In these circumstances, the applicant be released on bail in the sum of Rs. 5,000/- (five thousand) with one

or two sureties in the like amount. The applicant shall report to Govandi Police Station once in a month.

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